

Attorney's Docket: 2000DE462
Serial No.: 10/602,392
Group: 1616

REMARKS

The Office Action mailed December 13, 2005, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-20 are pending in this Application. By this Amendment, Applicants have amended claims 1, 4, 10 and 17. Claim 2 has been cancelled. Therefore, claims under consideration are believed to include claims 1 and 3-20.

Claim Rejections Under 35 USC § 103

Claims 1-6, 8-11, 13-16 and 17 stand rejected under 35 USC § 103(a) as being unpatentable over Loffler (US 2001/0005737 or 6,489,395). This rejection is respectfully overcome.

Claim 7, 12 and 19-20 stand rejected under 35 USC § 103(a) as being unpatentable over Loffler (US 2001/0005737 or 6,489,395) in view of Rockl et al. (US 5,690,919). This rejection is respectfully overcome.

Applicant's independent claims have been amended to recite, as component (IV), from 0.1 to 1.0% by weight of one or more ammonium acryloyldimethyltaurate/vinylpyrrolidone copolymers.

It has been realized that cosmetic or dermatological emulsions containing ammonium acryloyldimethyltaurate/vinylpyrrolidone copolymers in a percentage of 0.1 to 1.0% yield surprising and unexpected results which could not have been foreseen by an ordinary artisan. Specifically, cosmetic and dermatological emulsions having this copolymer exhibit a shinny appearance which was not only unexpected but significantly increases the inventive emulsion's aesthetic appearance, and, in consequence, results in greater customer acceptance. In support of Applicant's position please find enclosed a 35 USC § 1.132 Declaration

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by Mr. Robert Milbradt attesting to the non obvious and unexpectedly superior results of the claimed invention.

In view of the attached 35 USC § 1.132 Declaration, in combination with the fact, as admitted by the Office, that "Loffler does not explicitly teach waters/oil emulsions containing ammonium acryloyldimethyl-taurate/vinylpyrrolidone copolymers," it is respectfully contended that the *prima facie* case of obviousness under § 103 has been overcome both with respect to the rejection of claims 1-6, 8-11, 13-16 and 17 in view of Loffler and the rejection of claims 7,12 and 18-20 as being unpatentable over Loffler in view of Rockl et al.

In view of the foregoing, it is respectfully contended that Applicant's invention, as defined by the amended claims, is patentably distinguishable over the cited references. Reconsideration and withdrawal of the rejections is, therefore, earnestly solicited.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicant at the telephone number provided below.

Respectfully submitted,


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